

REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 - 22 and 24 have been cancelled. Claims 23 and 28 have been amended. Claims 23 and 25 - 29 remain in the case.

The invention overcomes the disadvantages associated with previously known hairstyling devices, including but not limited to flexible snap clips. The apparatus incorporates a combination of a snap clip closure mechanism and a comb-like bottom with a plurality of elongated teeth, extending laterally beyond the periphery of the top portion of the clip, for more effectively gathering and holding hair. The invention also specifically includes an upper portion of spring-like material that may be flexed between a stable convex open position and a stable concave closed position

With the amendment to claim 23, the structural features recited in the prior claim 24 (i.e., an upper portion of spring-like material that is flexed between a stable convex open position and a stable concave closed position) have been incorporated in claim 23. As a result, the two independent claims 23 and 28 both incorporate these structural features. No new material has been added by this amendment.

Claims 23 - 29 were rejected in the referenced Office Action under 35 U.S.C. §103(a) as being unpatentable over GALLO et al. (U.S. Patent No. 5,113,554). GALLO et al. discloses a clip which is molded of plastic and which has a design adapted to retain fabrics on the crossbar of a conventional clothes hanger. The clip has a C-shaped body having opposite, coincident legs dependent from a central bight section, an integrally formed prong dependent from the bight section and having an upright base leg projecting out of the plane of the clip body with a first reverse bend adjacent the base leg. A return prong section is inclined towards the plane of the clip, and a second reverse bend in the prong provides an upwardly curled tip which also projects out of the plane of the clip.

GALLO et al. at no point claim or describe any portion that is capable of being flexed between a stable convex open position and a stable concave closed position. A search of

GALLO et al. does not show the words "convex", "concave", "stable" or "flex" anywhere in the specification. The illustration of the clip in Figures 1, 2, 3, and 4, and the description of the application of the clip in column 2 line 57 through column 3 line 17 shows that the clip snaps over the bar of the hanger and does not flex between stable open and closed convex and concave positions.

Since the claimed structural features of an upper portion of spring-like material that is flexed between a stable convex open position and a stable concave closed position are not shown, GALLO et al. in no way anticipate, suggest, or render obvious Applicant's invention. The rejection of claims 23 and 28 has been overcome, and Applicant respectfully traverses the rejection of claims 23 and 28 under 35 U.S.C. §103(a) as being unpatentable over GALLO et al. Claims 25 - 27 and 29 are dependent on claims 23 and 28, and therefore their rejection under 35 U.S.C. §103(a) as being unpatentable over GALLO et al. is also respectfully traversed.

In view of the foregoing amendments and remarks, Applicant respectfully requests that claims 23, and 25 - 29 be allowed and the application be passed to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 6-20-07
(Date of Deposit)
Sheri Tyler 6-20-07
Sheri Tyler (Date)

Respectfully submitted,
MARK LEVY & Associates PLLC

By: Mark Levy
Reg. No. 29,188
Attorney for Applicant
Press Building - Suite 902
19 Chenango Street
Binghamton, New York 13901
Telephone: (607) 722-6600